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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,811	10/27/1999	PAUL KAIB	22022.0007	3799

7590 05/08/2002

NEEDLE & ROSENBERG PC
SUITE 1200 THE CANDLER BUILDING
127 PEACHTREE STREET NE
ATLANTA, GA 303031811

EXAMINER
MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
2152	7

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/427,811	Applicant(s) KAIB ET AL.
	Examiner Adnan M Mirza	Art Unit 2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 & 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (U.S. 6,243,755) in view of Steinberger et al (U.S. 6,219,705).

As per claim 1 Takagi disclosed a method for scheduling harvesting of information by a host computer from one or more information providers for one or more users, comprising the steps of: (a) for a selected information provider, determining an update time for information stored by the selected information provider (col. 4, lines 52-63); (b) for the selected information provider, determining a set of end users whose information could be modified by an update at the determined update time (col. 5, lines 9-20); (c) generating a predicted login time for each end-user in the determined set of end users (col.3, lines 40-46); (d) sorting determined set of end users according to the predicted login time generated for each end user in the determined set (col. 3, lines 57-67);

However Takagi failed to disclose assigning harvesting time for each end user. In the same field of endeavor Steinberger disclosed assigning a harvesting time for each end user based on each end user's predicted login time (Fig. 2, element 28, lines col. 6, lines 14-16 & col. 8, lines 21-26). User history poller act as harvesting time for each end-user, It collects the information on user and perform a check on user's history. Check can be predicting user's login time.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the harvesting time based for each end user based on each end user's predicted login time as taught by Steinberger in the method of Takagi to make the network efficient in managing the user's profile.

As per claim 13 the method disclosed in claim 1 can be consider as consisting of Computer readable storage device.

As per claim 4 Steinberger disclosed wherein the step of sorting the determined set of end-users comprises sorting the determined set in ascending order of predicted login time (col. 9, lines 11-16).

As per claim 5 Takagi-Steinberger disclosed wherein the step of generating a predicted login time for each end user in the determined set of end users comprises: (i) for each end user, determining whether a login time profile associated with the end user meets a predetermined confidence threshold (Steinberger, col. 8, lines 21-3, Takagi, col. 15, lines 59-67 & col. 16, lines 1-8); (ii) for each end user whose login time profile does not meet the predetermined confidence threshold, assigning a predicted login time corresponding to the present day and time (Steinberger, col. 8, lines 20-49, Takagi, col. 15, lines 59-67 & col. 16, lines 1-8); and (iii) for each end user whose login time profile does meet the predetermined confidence threshold, assigning a predicted login time based on the end user's login time profile (Steinberger, col. 8, lines 20-49, Takagi, col. 15, lines 59-67 & col. 16, lines 1-8). Predetermined confidence threshold consider as reference value in order to allocate different properties to different group.

As per claim 6, 12 & 15 Takagi disclosed the method of claim 1, and further comprising the step of shifting each end user's predicted login time back a predetermined time interval (col. 13, lines 5-20). Delay can be considered as shifting and user's activity start and end is same as user's login and logout.

As per claim 7 Takagi disclosed wherein the step of assigning a harvest time comprises assigning a harvest time for each end user corresponding to his shifted login time (col. 12, lines 57-63 & col. 13, lines 5-21).

As per claim 8 Takagi-Steinberger disclosed wherein the step of assigning a harvest time comprises: (i) performing a distribution fit across time to generate a polynomial function that allows determination of the number of end users subject to harvesting over a specified time period (Steinberger, col. 8, lines 50-67 & col. 9, lines 1-11); (ii) determining a network activity curve of network activity associated with the host computer and the selected information provider (Takagi, col. 27, lines 5-64); In the statistical data can be consider getting data in terms of graphs.(iii) generating an inverse of the determined network activity curve; (iv) performing an integral matching algorithm utilizing the generated polynomial function and the generated inverse of the network activity curve; (Takagi, col. 27, lines 5-64). The statistical calculations involve taking the inverse of the graphs and doing correlations.(v) assigning harvesting times for each end user to redistribute peak harvesting time towards time zero to flatten the distribution fit across time (Steinberger, col 8, lines 1-49).

As per claim 9, 11 & 14 Steinberger disclosed further comprising the step of harvesting the information for each end user in the determined set of end user from the selected information provider at the harvesting time assigned to each end user (col. 7, lines 61-67 & col. 8, lines 1-17).

As per claim 10 Takagi-Steinberger disclosed a system for scheduling harvesting of information by a host computer from one or more information providers for one or more users, comprising: (a) a user store for storing data associated with end users; (b) a provider store for storing data associated with information providers (Takagi, col. 7, lines 43-67 & col. 8, lines 1-12); and (c) a host computer in communication with the user store and the provider store, the host computer comprising a processor for performing the steps of: (i) for a selected information provider, determining an update time for information stored by the selected information provider based on data associated with the selected information provider in the provider store; (ii) for the selected

information provider (Takagi, col. 7, lines 43-67 & col. 8, lines 1-12) , determining a set of end users whose information could be modified by an update at the determined update time based on data associated with end users in the user store (Takagi, col. 5, lines 9-20); (iii) generating a predicted login time for each end user in the determined set of end users (Takagi, col.3, lines 40-46) ; (iv) sorting the determined set of end users according to the predicted login time generated for each end user in the determined set (Takagi, col. 3, lines 57-67); and (v) assigning a harvesting time for each end user based on each end (Steinberger, Fig. 2, element 28, lines col. 6, lines 14-16 & col. 8, lines 21-26).

3. Claims 2 & 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (U.S. 6,243,755), Steinberger et al (U.S. 6,219,705) in view of Inala et al (U.S. 6,199,077)

As per claim 2 Takagi-Steinberger failed to disclose the step of determining a set of end users comprises: (i) selecting end users configured to receive information from the selected information provider; (ii) eliminating end users not configured to receive information subject to update at the determined update time.
In the same field of endeavor Inala disclosed the step of determining a set of end users comprises: (i) selecting end users configured to receive information from the selected information provider; (ii) eliminating end users not configured to receive information subject to update at the determined update time (col. 5, lines 50-65). The users who consider as plural same as group of user are built according to the listings of URLs that can be consider as different information provider.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the users configured to receive information from selected the information provider as taught by Inala in the method of Takagi-Steinberger to increase the stability and make network more efficient.

As per claim 3 Inala disclosed wherein the step of determining a set of end users further comprises eliminating end users not meeting a condition of the selected information provider for information update at the determined update time (col. 8, lines 14-41).

Conclusion

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

5. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703)-305-4815. The fax for this group is (703)-746-7239.

6. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"), 703)-746-7238 (For After Final Communications).

7. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II, 2021 Crystal Drive, Arlington, VA 22202.

AM

MEHMET B. GECKIL
PRIMARY EXAMINER

Adnan Mirza

Examiner

Art Unit 2152

Mehmet Geckil